



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert J. Lipshutz et al.

Application No.: 10/607,829

Filed: June 27, 2003

For: POLYMORPHISM DETECTION

Atty. Docket No.: AFFYP016C2

Examiner: Jezia Riley

Confirmation No.: 8441

Group: 1637

Date: November 8, 2004

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 8, 2004.

Signed: J. Riley

11/15/2004 YPOLITE1 00000013 10607829

110.00 DP

02 FC:1814

TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321
TO OBTAIN AN OBVIOUSNESS-TYPE
DOUBLE PATENTING REJECTION

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner(s), Affymetrix, Inc., of the entire interest in the above-identified application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173 of prior United States Patent No. 6,300,063 (hereafter "prior patent"), as presently shortened by any terminal disclaimer. The owner(s) hereby agrees that any patent so granted on the above-identified application shall be

enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the above-identified application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the above-identified application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued or is in any matter terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an agent or attorney of record.

Enclosed is our Check No. 4227 in the amount of \$ 110.00 to cover the disclaimer fee. If the required fees are not enclosed or additional fees are required to facilitate filing of this paper, please charge such fees or credit any overpayment to Deposit Account No. 50-1652 (Order No. AFFYP016C2).

Respectfully submitted,



Michael J. Ritter
Reg. No. 36,653

RITTER, LANG & KAPLAN LLP
12930 Saratoga Ave., Suite D1
Saratoga, CA 95070
Tel: 408-446-8690
Fax: 408-446-8691